

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

TABITHA L.

Plaintiff,

-v-

3:24-CV-476 (AJB/MJK)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

**APPEARANCES:**

OLINSKY LAW GROUP  
Attorneys for Plaintiff  
250 South Clinton Street, Suite 210  
Syracuse, NY 13202

SOCIAL SECURITY ADMINISTRATION  
Office of the General Counsel  
Attorneys for Defendant  
6401 Security Boulevard  
Baltimore, MD 21235

**OF COUNSEL:**

HOWARD D. OLINSKY, ESQ.

CANDACE BROWN CASEY, ESQ.  
Special Assistant U.S. Attorney

**Hon. Anthony Brindisi, U.S. District Judge:**

**ORDER ON REPORT & RECOMMENDATION**

On April 4, 2024, plaintiff Tabitha L.<sup>1</sup> (“plaintiff”) filed this civil action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner”) denying her application for Supplemental Security Income under the Social Security Act. Dkt. No. 1. Along with her complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 3.

---

<sup>1</sup> On May 1, 2018, the Judicial Conference’s Committee on Court Administration and Case Management issued a memorandum that encouraged courts to better protect the privacy of non-governmental parties in Social Security matters by using only the first name and last initial of the claimant in published opinions.

The matter was initially assigned to U.S. District Judge David N. Hurd, who referred the case to U.S. Magistrate Judge Mitchell J. Katz for the issuance of a Report & Recommendation (“R&R”). *See* Dkt. No. 5. Thereafter, Judge Katz granted plaintiff’s IFP Application, Dkt. No. 7, the Commissioner filed a certified copy of the Administrative Record, Dkt. No. 8, and the parties briefed the matter in accordance with General Order 18, which provides that an appeal from the Commissioner’s denial of benefits will be treated as if the parties have cross-moved for a judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure, Dkt. Nos. 9, 13, 14. The matter was later reassigned to this Court. Dkt. No. 15.

On May 5, 2025, Judge Katz advised by R&R that plaintiff’s motion should be granted, that the Commissioner’s motion should be denied, that the Commissioner’s final decision should be vacated, and that plaintiff’s benefits claim should be remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. No. 16.

Neither party has lodged objections. The time period in which to do so has expired. *See* Dkt. No. 16. Upon review for clear error, the R&R is accepted and will be adopted. *See* FED. R. CIV. P. 72(b).

Therefore, it is

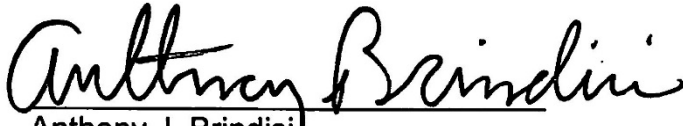
ORDERED that

1. The Report & Recommendation (Dkt. No. 16) is ACCEPTED;
2. Plaintiff’s motion is GRANTED;
3. The Commissioner’s motion is DENIED;
4. The Commissioner’s final decision is VACATED; and
5. This matter is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with this Order and Judge Katz’s R&R.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

**IT IS SO ORDERED.**

Dated: May 20, 2025  
Utica, New York.

  
Anthony J. Brindisi  
U.S. District Judge